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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH OF THE) Case No.: CO7-03605-PJH-JCS
FOURSQUARE GOSPEL,)

Plaintiff,)

v.)

CITY OF SAN LEANDRO, TONY)
SANTOS (in his official capacity),)
SURLENE G. GRANT (in her official)
capacity), DIANA M. SOUZA (in her)
official capacity), JOYCE R.)
STAROSCIACK (in her official)
capacity), BILL STEPHENS (in his)
official capacity), JIM PROLA (in his)

**PLAINTIFF AND REAL PARTY IN
INTEREST'S OBJECTIONS TO
DEFENDANTS' DECLARATIONS
AND EXHIBITS**

Date: September 5, 2007

Time: 9:00 a.m.

Ctrm: 3

Hon.: Phyllis J. Hamilton

Complaint Filed: 07/12/07

1 official capacity), JOHN JERMANIS (in)
 2 his official and individual capacities),)
 3 DEBBIE POLLART (in her official and)
 4 individual capacities), DOES 1-50,)
 5)
 6 Defendants.)
 7)
 8 FAITH FELLOWSHIP FOURSQUARE)
 9 CHURCH,)
 10)
 11 Real Party in Interest.)

12 **PLAINTIFF AND REAL PARTY IN INTEREST’S OBJECTIONS TO DEFENDANTS’**
 13 **DECLARATIONS AND EXHIBITS**

14 Plaintiff and Real Party In Interest submit the following objections to the declarations and
 15 exhibits filed by Defendants in opposition to the motion for preliminary injunction.

16 **A. Declaration of William Schock (Document 49)**

17 1. *Paragraph 10, lines 25-28:* “Although Faith Fellowship Church might be able to
 18 physically accommodate 1,300 persons in the existing building on the Property, this does not
 19 mean that the existing building can accommodate an assembly of this size, or all of the above-
 20 described activities with state and local building and fire safety requirements.”: Objection – lack
 21 of personal knowledge (F.R.E. 602). The declarant has not stated as to whether he has actually
 22 physically been inside the building to inspect it.

23 2. *Paragraph 14, lines 21-24:* “Based on my review of Plaintiffs’ plans, the value of
 24 the original building permit and tenant improvements in 1983 dollars, and my experience with
 25 developers and contractors, I conclude that Plaintiffs will have to spend upwards of \$1.5 million
 26 on improvements before a certificate of occupancy could be issued.” Objection – improper
 27
 28

1 testimony by a lay witness. The witness did not state that he is a contractor. Thus, he does not
2 have the expertise to testify as to the **cost** for improvements.

3 **C. Declaration of Peter Hayes – Exhibit A (Document 48)**

4 1. *Exhibit A:* Objection – Irrelevant (F.R.E. 402). The Defendants have failed to
5 identify in their points and authorities the significance of the “Settlement Negotiations” letter filed
6 as Exhibit A to the Declaration of Peter Hayes.

7
8 2. *Exhibit A:* Objection – Compromise and Offers to Compromise (F.R.E. 408). On
9 its faces, the letter was drafted and dispatched in the course of settlement negotiations and an offer
10 to compromise.

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14 Date: August 22, 2007

15
16 /S/ Kevin Snider
17 Kevin T. Snider
18 Mathew B. McReynolds
19 Peter D. MacDonald
20 Attorneys for Plaintiff and
21 Real Party in Interest
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